

### **Remarks**

In the Office Action dated April 28, 2004, the Examiner objected to the drawings as well as the disclosure. The Examiner rejected claims 33-58, 60-68 and 70-72 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,628,177 in view of the article by Fujita, et al. entitled "Disk-Shaped Bulk Micromachined Gyroscope...". The Examiner rejected claims 41-42 under 35 U.S.C. § 112, second paragraph. The Examiner rejected claims 33, 35, 37, 38, 40, 41, 43, 44, 47, 61, 65-67, 70 and 71 under 35 U.S.C. § 102 as being anticipated by the article by Fujita, et al. The Examiner rejected claims 33, 36, 47-55, 57, 59, 61, 65, 66, 70 and 71 under 35 U.S.C. § 102 as being anticipated by the U.S. Patent to Greywall 6,369,374. The Examiner rejected claims 33, 35, 41, 65, 66, 68 and 70-72 under 35 U.S.C. § 102 as being anticipated by the U.S. Patent to Furnival 3,612,922. The Examiner indicated that claim 69 was objected to but would be allowable if rewritten in independent form.

Initially, enclosed herewith is a Terminal Disclaimer to overcome the double patenting rejection of claims 33-58, 60-68 and 70-72.

By eliminating this double patenting rejection a number of features are no longer rejected based on the art. These features have been rewritten much like in the parent case in independent form as evidenced by new independent claims 73, 74, 75, 76, 77, 86, 87, 88, 89 and 91. Also, claim 69 has been rewritten in independent form as new independent claim 100.

Also, by this Amendment Applicants' Attorney has amended the drawings and the disclosure in accordance with the Examiner's suggestions. For example, applicants' Attorney has extended the solid lead line from reference numeral 50 in Figure 5 to the small inner circle of Figure 5 rather than larger inner circle of Figure 5 which has been labeled by reference numeral 52.

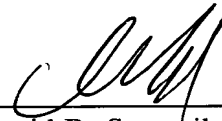
A check in the amount of \$399.00 is enclosed, \$344.00 is the fee to cover the additional claim filing fee and \$55.00 to cover the fee for the Terminal Disclaimer. Please charge any additional fees or credit any old payments as a result of filing this paper to our Deposit Account No. 02-3978 - this paper is enclosed for that purpose.

Consequently, in view of the above and in the absence of better art Applicants' Attorney respectfully submits the application is in condition for allowance which allowance is respectfully requested.

Respectfully submitted,

John R. Clark, et al.

By



David R. Syrowik

Reg. No. 27,956

Attorney/Agent for Applicant

Date: June 24, 2004

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351